

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA *ex rel.*
CHRISTOPHER CRENNEN,

Plaintiff and Relator,

v.

DELL MARKETING L.P., *et al.*,

Defendants.

NO. 06-10546-PBS

**DEFENDANT CDW GOVERNMENT, INC.'S
MOTION TO DISMISS RELATOR'S FIRST AMENDED COMPLAINT**

COMES NOW Defendant CDW Government, Inc. ("CDW-G"), by and through its attorneys, and respectfully moves the Court for an Order dismissing Count I and Count II of relator Christopher Crennen's First Amended Complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to plead fraud with particularity as required under Federal Rule of Civil Procedure 9(b).

IN SUPPORT of this Motion, CDW-G is filing contemporaneously herewith a Memorandum in Support thereof.

WHEREFORE, CDW-G prays that the Court grant the relief requested herein and any further relief it deems just and equitable.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), CDW-G respectfully requests a hearing on its Motion to Dismiss.

Dated: November 23, 2009

Respectfully submitted,

By: /s/ Jocelyn Dyer

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LOCAL RULE 7.1(a)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), counsel for CDW-G, has conferred in good faith with counsel for relator regarding the relief requested in this Motion. In the course of the conference, counsel for CDW-G asked counsel for relator whether relator would withdraw his FCA conspiracy claim against CDW-G under 31 U.S.C. § 3729(a)(3) (2008), as relator appears to have done with regard to defendants HP, Dell, and Emtec. Counsel for relator has advised that relator is withdrawing the claim as to all defendants. However, as of the time of filing this Motion, no formal withdrawal of the claim with prejudice as to CDW-G has been filed. The parties were unable to reach agreement as to the other relief requested in this Motion.

/s/ Jocelyn L. Dyer

Jocelyn L. Dyer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies of the same will be sent to those individuals indicated as non-registered participants, if any, on this 23rd day of November 2009.

/s/ Jocelyn Dyer

Jocelyn L. Dyer